

1 HANSON BRIDGETT LLP  
KURT A. FRANKLIN, SBN 172715  
2 kfranklin@hansonbridgett.com  
SAMANTHA WOLFF, SBN 240280  
3 swolff@hansonbridgett.com  
JENNIFER ANIKO FOLDVARY, SBN 292216  
4 jfoldvary@hansonbridgett.com  
425 Market Street, 26th Floor  
5 San Francisco, California 94105  
Telephone: (415) 777-3200  
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP  
TYSON M. SHOWER, SBN 190375  
8 tshower@hansonbridgett.com  
LANDON D. BAILEY, SBN 240236  
9 lbailey@hansonbridgett.com  
500 Capitol Mall, Suite 1500  
10 Sacramento, California 95814  
Telephone: (916) 442-3333  
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC  
VICTOR OTTEN, SBN 165800  
13 vic@ottenlawpc.com  
KAVITA TEKCHANDANI, SBN 234873  
14 kavita@ottenlawpc.com  
3620 Pacific Coast Highway, #100  
15 Torrance, California 90505  
Telephone: (310) 378-8533  
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs  
CORY SPENCER, DIANA MILENA  
18 REED, and COASTAL PROTECTION  
RANGERS, INC.  
19

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
22

23 CORY SPENCER, an individual;  
24 DIANA MILENA REED, an  
individual; and COASTAL  
25 PROTECTION RANGERS, INC., a  
26 California non-profit public benefit  
corporation,

27 Plaintiffs,  
28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF DANIEL  
JONGEWARD IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

18 I, Daniel Jongeward, declare as follows:

19 1. I am a Southern California native and reside in Brawley,  
20 California in Imperial County. I currently work as a Licensed Marriage and  
21 Family Therapist ("LMFT") and a psychotherapist. I have personal  
22 knowledge of the matters stated in this declaration and, if called as a  
23 witness, could and would testify competently as to its contents.

24 2. When I am not working, I enjoy spending time outdoors and at  
25 the beach. I started surfing at the age of 9 or 10. I surfed competitively  
26 during my military service from 1972 to 1976 as a member of the U.S. Navy  
27 Marine Surfing Team. In the 1980s and 1990s, I surfed nearly every day.  
28 And although it is less convenient to do so now due to where I live, I still surf  
every few months.

3. In the early 1980s, I was what one would call a "big wave  
chaser." There were no online services like www.surfline.com to tell you

1 where the big waves were. Instead, a surfer would check the weather  
2 reports and try to predict where the big waves would hit. On a day in early  
3 1980, I was on the Redondo Beach breakwater when a fellow surfer told me  
4 that I should visit Lunada Bay because it had a lot of great waves. Although  
5 I did not have a surfboard with me, I decided to drive over to Lunada Bay to  
6 scout out the location.

7       4. When I arrived at Lunada Bay, at least three men stopped me  
8 and asked, "Who are you, and what are you doing here?" I was familiar with  
9 the concept of localism and had heard from members of the surfing  
10 community that the locals at Lunada Bay could be pretty hostile. I said to  
11 them, "I'm just hiking." I told them that I had heard they had big waves at  
12 Lunada Bay. They became quite defensive when I said that I had heard  
13 they had big waves. The men then said, "As long as you are not surfing,  
14 you are fine." The men left me alone for the remainder of the time that I was  
15 at Lunada Bay that day.

16       5. After that first visit, I went on to surf at Lunada Bay roughly five  
17 times over the next four years, between 1980 and 1984. Because I had  
18 already visited Lunada Bay once before, I knew how to get there and access  
19 the trail that led to the beach. My strategy was to get to Lunada Bay early in  
20 the morning before the sun came up so I could get a few good waves before  
21 the locals got there. I could enjoy myself when I was alone during the early  
22 morning surfs. However, by the time I exited the water, if the locals had  
23 arrived, then there was always trouble.

24       6. During those four years, every time I went to Lunada Bay, I was  
25 hassled. Men I believed to be locals threw rocks and dirt clods at me. I  
26 would purposely carry my surfboard over my head to try to avoid getting hit  
27 by the rocks. One time I returned to my car after surfing and found the  
28 locals had used surfboard wax all over my car windows and windshield so I

1 could not see out of my windows. Fortunately, it wiped off easily and did not  
2 cause any permanent damage.

3 7. After the surf wax incident, I began parking my car in the  
4 residential neighborhoods rather than at the beach access point. Even  
5 though parking in the residential neighborhood forced me to hike more than  
6 a quarter mile away while carrying all of my surf gear, it was the only way I  
7 could be sure that my tires would not get slashed and my car would not get  
8 damaged by the locals while I was in the water.

9 8. The local men at Lunada Bay were just as hostile in the water as  
10 they were on the trail. The men would scream and yell, "Get out of the  
11 water!" to threaten me and make my experience uncomfortable. The men  
12 would give non-resident beachgoers dirty looks any time they tried to come  
13 in or out of the water. If a non-resident came through the inside of a big  
14 wave, the local men would try to "snake" or drop in on him which means to  
15 take off in front of the surfer who is already riding the wave and is closest to  
16 the curl. This can be really dangerous for a surfer.

17 9. When the locals at Lunada Bay harassed me and told me to  
18 leave, I would walk down the trail to the beach with an attitude as if I owned  
19 the place. I learned martial arts when I was in the military, and I do not fear  
20 people. I also know that bullies often act out because they are often just  
21 scared themselves. However, there was something about this group of men  
22 that went beyond typical localism and bullying. The behavior by the locals at  
23 Lunada Bay was unique because they tried to keep everyone—even the  
24 people who could surf—out of the water if they were not from there. These  
25 men were set on causing trouble. They were genuine bullies: Their actions  
26 were planned to keep outsiders away from what they considered their  
27 beach. I did not agree with their actions or the way they treated visitors to  
28 Lunada Bay. And although the majority of my sons surf, sadly, because of

1 the actions by the locals, I never took them to Lunada Bay when they were  
2 young because I did not think it was safe to bring them there.

3 10. By the late 1980s, I chose not to surf at Lunada Bay anymore. I  
4 would only go to Lunada Bay to see it, but it was no longer safe to get in the  
5 water. I personally grew tired of surfing at Lunada Bay because I was  
6 hassled every time I entered or exited the water. Even though surfers could  
7 get big waves at Lunada Bay, the consensus amongst my friends and me  
8 was that we didn't want to do it, no matter how good the waves were. There  
9 were other places to surf that were further away and not nearly as beautiful  
10 as Lunada Bay, but it was too much trouble to go to Lunada Bay and  
11 contend with the hostility of the locals.

12 11. My hope today is that people will be able to go to Lunada Bay  
13 and not have to worry about their personal safety. I believe these local men  
14 are genuinely dangerous. If these men persist in this behavior, I am afraid  
15 somebody is going to get seriously hurt. It could be a visitor who gets hurt in  
16 the water or on the trail by a Bay Boy. Or one of those Bay Boys may get  
17 hurt when he finally encounters a non-resident beachgoer who is not going  
18 to tolerate their antics.

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1           12. I would like to see Lunada Bay opened up to the visiting public  
2 again. I think Lunada Bay is absolutely gorgeous, and it should be free for  
3 all citizens to go down there and enjoy it. I would love to do a mass surf-in  
4 with 15 or 20 men at Lunada Bay. It is sad that it cannot happen now  
5 because of the threat from the men out there.

6  
7           I declare under penalty of perjury under the laws of the United States  
8 of America that the foregoing is true and correct.

9  
10          Executed in Brawley, California on December 23, 2016.

11  
12            
13          DANIEL JONGEWARD